

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JESSE I. LEVINE
Phone: 212-442-3329
Fax: 212-788-8877
E-mail: jlevine@law.nyc.gov

MEMO ENDORSED

June 16, 2008

Hon. Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street, Room 1040
New York, NY 10007

Re: In re Attorneys Fees Consolidated Cases, 07 CV 8640 (DLC) (all cases)

Dear Judge Cote:

I am writing in response to the Court's Order to Show Cause with respect to the above captioned actions. All of the related actions were assigned to me by my superiors in the Law Department, in order to see if there was a possibility of entering into a protocol with plaintiffs' counsel to administratively deal with the attorneys fee claims.

The Order to Show Cause was predicated on my failure to file a motion on or before May 30, 2008 setting out common issues in no more than five of the consolidated cases as required by this Court's prior order..

In an attempt to settle the matter there was a preliminary exchange of correspondence between counsel setting forth various proposals, and a settlement conference before Magistrate Judge Maas was scheduled for May 29, 2008. It was hoped that that procedure would produce a settlement, or at least a narrowing of the issues.

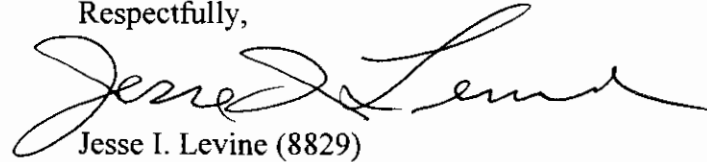
Unfortunately, I required minor surgery, which I had on May 30, 2008, and the settlement conference was adjourned until June 12, 2008. Although on May 22, 2008 I wrote to Magistrate Judge Maas requesting an adjournment of the settlement conference, I neglected to inform this Court of the change in schedule, and to request an extension of the time within which to file the motion with respect to common issues.

I recognize that my failure to so inform the Court is both an imposition on the Court's time, and does not further the Court's goal in assuming the resolution of over 25 cases. However, the failure to file was based on my preoccupation with my personal situation and not out of disrespect for the Court.

On June 12, 2008, the parties appeared before Judge Maas, and made substantial progress toward resolving the cases. One case (08-8640) was settled, a timetable was established for settlement discussion on the remaining filed cases, and the parties agreed to a limited submission within the Department of Education's administrative process for resolution of claims not yet filed with the Court.

Accordingly, I ask the Court to accept my apology and not impose any sanction, and to permit the settlement process to go forward.

Respectfully,

A handwritten signature in cursive script, appearing to read "Jesse I. Levine".

Jesse I. Levine (8829)

The parties must submit a proposal for revised dates for the submissions on defendant's motion on common issues by June 24, 2008.

Jessie Cha
June 17, 2008